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PART II—Section 3—Sub-section (ii)

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No. 66] NEW DELHI, THURSDAY, APRIL 24, 1958/VAISAKHA 4, 1880

ELECTION COMMISSION, INDIA

New Delhi, the 19th April, 1958/Chaitra 29, 1880 (Saka)

NOTIFICATION

S.O. 674.—Whereas the election of Shri Palaniyandi as a member of the House of the People from the Perambaloor constituency, has been called in question by an election petition duly presented under Part VI of the Representation of the People Act, 1951 (43 of 1951), by Shri Raja Chidambaram, son of Krishnasami, resident of Thiruvanaikkaol, Trichinopoly;

And whereas the Election Tribunal appointed by the Election Commission in pursuance of the provisions of section 86 of the said Act, for the trial of the said election petition has, in pursuance of the provisions contained in section 103 of the said Act, sent a copy of its order in the said election petition to the Commission;

Now, therefore, in pursuance of the provisions of section 106 of the said Act, the Election Commission hereby publishes the said order of the Tribunal.

BEFORE THE ELECTION TRIBUNAL, TIRUCHIRAPPALLI

[In the matter of election to the Lok Sabha, New Delhi, from the Parambalur Constituency held in March 1957, referred to the Election Tribunal by the Election Commission of India].

Saturday, the 15th day of March, 1958

PRESENT:

Sri S. Sivasubramania Nadar, B.A., B.L., Member, Election Tribunal
(District Judge, Tiruchirappalli).

ELECTION PETITION No. 185 OF 1957

Between

Sri Raja Chidambaram—*Petitioner.*

and

1. Sri Palaniyandi.
2. Sri V. Bhoovaragasami Padayachi.
3. Sri Mannar Mannan.—*Respondents.*

This petition coming on for final hearing on the 19th day of February 1958, before me in the presence of Sri R. Thirumalachari and Sri V. Jambunathan,

Advocates for the petitioner and of Sri A. Natarajan, Advocate for the 1st respondent, and respondents 2 and 3 being absent and set *ex parte* and having stood over to this day for consideration, the Tribunal passed the following.

ORDER

Petitioner, Raja Chidambaram, is a defeated candidate at the election held on 4th March, 1957 for returning a member to Parliament from the Parambalur Constituency. The other candidates, who contested the election, were the 1st respondent, Palaniyandi, 2nd respondent Bhoovaragaswami Padayachi and 3rd respondent, Mannar Mannan. The votes secured by respondents 1 to 3 and the petitioner were 1,12,497, 47,133, 43,983 and 27,165 respectively. 1st respondent who stood on the Congress ticket, was declared duly elected. Petitioner has filed the present petition for declaring that the election is void on account of certain corrupt practices on the part of the 1st respondent and also due to some other grounds. 1st respondent alone contests the petition. Respondents 2 and 3 have remained *ex parte*.

2. The grounds alleged in the petition for declaring the election as void are as follows:

- .. (a) 1st respondent and his agents procured votes for the 1st respondent by offering and paying 8 annas to each voter in the 46 villages mentioned in the schedule;
- (b) 1st respondent and his agents offered Rupee 1 to each voter for refraining from voting, in the 4 villages mentioned in the schedule;
- (c) 1st respondent and his agents made lump sum payments in the 7 villages mentioned in the schedule for procuring votes for 1st respondent;
- (d) Each Harijan was paid Rs. 285 by the Congress party with a view to procure votes for the candidate of that party;
- (e) 1st respondent and his agents procured votes for the 1st respondent by feeding the voters, in the 8 villages mentioned in the schedule;
- (f) Sri Kamaraj Nadar, Chief Minister, accompanied by many Government and Revenue officials visited the 5 villages mentioned in the schedule and made a systematic appeal to the electors to vote only for 1st respondent and not to vote for the petitioner or the other respondents;
- (g) 1st respondent and his agents engaged 7 motor cars mentioned in the schedule and also several carts for hire for carrying voters to the polling booths and to take them back, in the 11 villages mentioned in the schedule;
- (h) 1st respondent and his agents procured votes in the 6 villages mentioned in the schedule, with the aid of karnams, talayaris and thotties;
- (i) 1st respondent spent more than Rs. 30,000 for the election but did not submit true and correct accounts; and
- (j) Polling booths were not located within a radius of 3 miles as per Government orders, and voters of several villages mentioned in the schedule were to cover more than 4 to 7 miles before reaching the polling booths.

3. In the counter filed by 1st respondent, he denies the truth of the alleged corrupt practices and the validity of the other grounds mentioned in the petition.

4. The issues are these:

- (1) Whether the 1st respondent and his agents procured votes for the 1st respondent by offering or paying eight annas to each voter in all the 46 villages mentioned in the schedule to the petition?
- (2) Whether the 1st respondent and his agents offered one rupee to each voter in the 4 villages mentioned in the schedule to the petition to refrain from coming to the polling booths and casting their votes in the election?
- (3) Whether any amounts were paid by the 1st respondent for the seven villages mentioned in the schedule to the petition to procure votes for the 1st respondent?
- (4) Whether allegations of payments made in para IV(1)(d) of the petition are true, and even if true, whether it is a valid and sufficient ground to set aside the election?

- (5) Whether the 1st respondent and his agents procured votes by feeding the voters with meals, tiffin and tea in the villages mentioned in the schedule to the petition?
- (6) Whether the allegations mentioned in para IV(3) of the petition are true and legally sufficient and sustainable to set aside the election?
- (7) Whether the 1st respondent and his agents engaged for hire cars and carts mentioned in the schedule to the petition for carrying voters to the polling booths for voting and for bringing them back from the polling booths to their villages?
- (8) Whether the 1st respondent and his agents procured votes in the villages mentioned in the schedule to the petition with the aid of the karhams, talayaris and thotties?
- (9) Whether the 1st respondent spent more than Rs. 30,000 in the election and has not submitted true and correct account?
- (10) Whether the polling stations mentioned in the schedule to the petition were not within 3 miles from the villages mentioned in the schedule to the petition and if they were not, is it a valid ground for setting aside the election?
- (11) Whether the election of the 1st respondent is liable to be set aside on any of the grounds mentioned in the petition?

5. At the trial of the petition, no evidence was let in by the petitioner with regard to grounds (d), (f), (i) and (j) set out in paragraph 2 above. Hence issues, 4, 6, 9 and 10 are found against the petitioner. In respect of the other issues, petitioner examined P.Ws. 1 to 51 and filed Exhibits A-1 to A-43, while 1st respondent examined R.Ws. 1 to 17 and filed Exhibits B-1 to B-29.

6. Before proceeding to give my findings on the other issues, it is necessary to mention certain material facts. Section 83(b) of The Representation of the People Act requires that an election petition shall set forth full particulars of any corrupt practice that the petitioner alleges, including as full a statement as possible of the names of the parties alleged to have committed such corrupt practices and the date and place of the commission of each such practice. Before framing issues, on 13th July, 1957 1st respondent's advocate pointed out that the particulars required by section 83(b) of the Act were not given. Petitioner's advocate wanted time to reply, and on 16th July, 1957 he argued that particulars of persons who received bribes for votes need not be given. Thus no particulars regarding the voters who were alleged to have been bribed and the streets where they lived were given. Besides, the fathers' names and the addresses of the alleged agents of the 1st respondent who were alleged to have committed the corrupt practices were not made available. Of course, under section 83(b) the petitioner cannot be compelled to give these details. Hence 1st respondents advocate reserved his right to point out this circumstance at the time of the final arguments. (Vide the case diary). Issues were framed on 27th July, 1957 and trial was fixed to begin on 14th August, 1957. Still the petitioner did not file any witness list till 25th October, 1957 on which date the evidence of P.W. 20 was recorded. The learned advocate for the 1st respondent says that the petitioner has deliberately adopted these tactics with a view to put any available person into the witness box to swear that any voter whom the witness could mention received bribes from the 1st respondent or his men. Remembering these facts for the purpose of weighing the evidence, I shall give my findings on the issues.

7. Issue 1.—This issue raises the question whether 1st respondent is guilty of procuring votes by paying 8 annas to each voter in the 46 villages mentioned in the schedule under paragraph 4(1)(a) of the petition. Petitioner has let in evidence in respect of bribery in 14 villages alone. They are items 2, 3, 20, 25, 26, 27, 28, 35, 36, 37, 40, 42, 43 and 46. I shall consider the evidence relating to the bribery in each of these villages.

Velur.—This village is item 2 in the schedule. Under the heading "Names of the parties who made payment to the voters" we find "Velur Rengarajan and 1st respondent". Under the heading "Date of payment", "2nd March, 1957" is given. Under the heading "Place of payment", we find "Velur—to each voter in his house." As indicated by me already in paragraph 6 *supra*, the father's name of Rengarajan is not given. Nor are the names and streets of the voters alleged to have been bribed, given in the petition. P.W. 36 Muthuvenkatachala Reddiar is the only witness examined by the petitioner with regard to the alleged bribery in Velur. He is a resident of Velur. He owns property worth Rs. 30,000. From

1924 to 1930 he was Taluk Board member. From 1926 to 1930 he was member of the District Educational Council. He swears that Rengaraja Reddiar and Dalmiapuram men worked for the 1st respondent, that Rengaraja Reddiar got Rs. 2 from Dalmiapuram men and paid it to Mookan *alias* Swaminatha Asari. Mookan Asari told P.W. 36 on the evening of 4th March, 1957, the polling date, that he had no vote. In cross-examination the witness says that Rengaraja Reddiar and the Dalmiapuram men did not have any voters' list when they paid Rs. 2 to Mookan. He adds that they asked Mookan how many votes were available in his house. He said that there were 4 voters and thereupon Rs. 2 was paid to him. R.W. 17 Rengaswami Reddiar living in Chettikulam 4 miles south of Velur and owning properties worth Rs. 40,000, swears that Velur Ramaswami Reddiar and Muthurama Padayachi worked for Congress candidates in Velur and that Rengaraja Reddiar did not work for them. R.W. 1 says that he does not know Rengaraja Reddiar at all. The learned advocate for the 1st respondent argues that Dalmiapuram men are alleged to have been present with Rengaraja Reddiar, taking advantage of the statement of the 1st respondent in paragraph 8 of his counter, that the members of the Cement Workers Union at Dalmiapuram of which the 1st respondent is the President helped him in the election work by going about the villages and doing propaganda.

As against the evidence of R.Ws. 1 and 17, I do not find any reason to rely on the uncorroborated testimony of P.W. 36. I am not prepared to believe him when he says that Rengaraja Reddiar paid Rs. 2 to Mookan Asari by getting it from Dalmiapuram men even without verifying whether Mookan Asari and his people had 4 votes. It has also to be mentioned that though in the petition 1st respondent and his men and Rengaraja Reddiar are alleged to have paid the voters, P.W. 36 does not say a word that the 1st respondent was present at the time of the alleged payment to Mookan Asari. It is also necessary to state that no allegation is made in the petition that any Dalmiapuram men took part in the bribery on behalf of the 1st respondent. I therefore hold that the alleged bribery by the 1st respondent in Velur is not true.

(2) *Kurumbalur*.—This is item 3 in the schedule under paragraph 4(1)(a) of the petition. 1st respondent and his alleged agent Ganapathi are said to have bribed each voter in his house on 2nd March, 1957. As in the case of Velur the father's name and address of the alleged agent Ganapathi are not given, and the names and the streets of the voters alleged to have been bribed are also not given in the petition. P.W. 23 speaks to the bribing. He lives in Kurumbalur-palayam 2 furlongs from Kurumbalur. He is worth Rs 80,000. He swears that Ganapathi Reddiar and 1st respondent's men from Dalmiapuram worked for 1st respondent in Kurumbalur, that on 2nd March, 1957 they paid 8 annas to each of the Oddar voters Veeran, Manikkam, Meyyan and Nallu and afterwards paid 8 annas to each of the three potter voters Subba Chetti, Muttan Chetti and Rengan Chetti and that he saw the payment when he went at 7 A.M. to the Oddars' street one furlong away from his house to call Oddar workers for digging a channel in his punja land. R.W. 1 the 1st respondent swears that he does not know Ganapathi Reddiar and that he did not ask him to work for him. R.W. 2 Rama Reddiar, President of the Perambalur Taluk Congress Committee for the last 5 or 6 years says that Ganapathi Reddiar worked for the petitioner who is a Reddiar and also for P. B. K. Rajachidambaram Reddiar who stood for election to the State Assembly. R.W. 2 is corroborated by R.Ws. 3 and 4. A.W. 3 Ramaswami lives in Kurumbalur. He is the Vice-President of the Perambalur Taluk Congress Committee for the last 4 years. R.W. 4 is the village headman of Kurumbalur for the last 20 years. He is worth Rs. 15,000.

I see no reason to believe P.W. 23 in preference to R.Ws. 1 to 4. Though in the petition 1st respondent and 'Ganapathi' are alleged to have bribed the voters, 1st respondent's presence is not mentioned by P.W. 23. Though no reference to 1st respondent's Dalmiapuram men is found in the petition, according to P.W. 23 the voters were bribed by Ganapathi Reddiar and 1st respondent's Dalmiapuram men. The reason given by P.W. 23 for his presence at the Oddar's street and Potters' street does not impress me. I do not believe P.W. 23 and I hold that the alleged bribery by 1st respondent in Kurumbalur is not true.

(3) *Pulambadi*.—This is item 20 in the schedule under paragraph 4(1)(a) of the petition. According to the petition 1st respondent and his alleged agents Mu. Karuppiah Konar, Ve. Karuppiah Konar and Na. Krishna Konar paid 8 annas to each voter in his house on 3rd March 1957. As in the previous cases, full particulars of the alleged agents and the voters alleged to have been bribed are not found in the petition. P.W. 1 Ganapathi Reddiar and P.W. 28 Devanatha Reddiar speak to the alleged bribery. P.W. 1 appeared in court without receiving any summons. He says that the petitioner sent word to his house to attend the court

and that hence he came. He has only a house and no land. He would say that he has cash of Rs. 4,000. His version is this. At 9 P.M. on 2nd March 1957 1st respondent and Krishnaswami Reddiar who has been returned to the State Assembly from the Perambalur constituency visited Pulambadi. At the Bajana Matam in the Eda street 1st respondent paid Rs. 500 to K. Karuppa Konar to give rupee 1 or 8 annas to each voter. Then 1st respondent and Krishnaswami Reddiar went away in their car by which they came. On the night of 3rd March 1957, K. Karuppa Konar and V. Karuppa Konar paid 8 annas to each of three voters, including barber Thiruvengadam and Natesa Asari living in Darmarajakoil street. The house of those voters are 7 or 8 houses away from P.W. 1's house. P.W. 1 saw the payment to the voters while he went to answer calls of nature. He did not know what amount was paid. He did not see payment of money to any other voter. On the evening of 4th March 1957 P.W. 1 told the petitioner that he saw payment to the voters mentioned above. The suggestion to the witness is that he is doing work under the petitioner and that he is fed at the Chatram in Siruvachur managed by the petitioner.

P.W. 28 Devanatha Reddiar who seeks to corroborate P.W. 1 lives in Pulambadi. He owns properties worth Rs. 20,000. He owes pro-note debt of Rs. 1,000 for the last 10 months. He does not say that any voter was bribed by 1st respondent's men. R.W. 1 denies that he visited Pulambadi on 2nd March, 1957 and paid money to Karuppa Konar. R.W. 11 Krishnaswami Konar living in Pulambadi and owing properties worth Rs. 20,000 denies that he and Karuppa Konar bribed the voters. I am not prepared to disbelieve the denial of R.Ws. 1 and 11 and to rely on the evidence of P.W. 1 who is not corroborated even by P.W. 28, to hold that 1st respondent bribed voters in Pulambadi. I find that the alleged bribery in Pulambadi by 1st respondent and his men is not true.

(4). *Vengalam*.—This village is item 25 in the schedule under paragraph 4(a) of the petition. According to the petition the 1st respondent and his alleged agent R. P. Ramaswami paid 8 annas to each voter in his house on 3rd March, 1957. No particulars are found in the petition either with regard to R. P. Ramaswami or with regard to the voters alleged to have been bribed. P.Ws. 4, 6 and 12 speak to the alleged bribery. P.W. 4 Duraiswami Naidu is father-in-law of Alagesa Naidu who stood for election to the State Assembly from the Perambalur constituency and was defeated by the Congress candidate R. Krishnaswami Reddiar. He admits that he worked for the 2nd respondent at the election. The substance of his evidence is this. About 15 or 20 days before the election 2nd respondent and Alagesa Naidu went to P.W. 4's house in Vengalam. Representatives of Naidus and Padayachis met in his house and decided that the Padayachis should vote for Alagesa Naidu for election to the State Assembly and the Naidus should vote for the 2nd respondent who is a Padayachi for election to Parliament. About 10 days before the election, three persons from Dalmiapuram met P.W. 4 at the pial of the Panchayat Board Office and asked him to tell the voters to vote for 1st respondent. P.W. 4 informed them about the decision made at the meeting of Naidus and Padayachis in his house. On 3rd March, 1957 P.W. 4 went to the Harijan quarters and asked for the votes of the Harijans for his son-in-law Alagesa Naidu. He then saw three persons from Dalmiapuram paying rupee 1 for 2 votes of Chairman and rupee 1 for 2 votes of Chinnavan's brother Subban. The time then was 9 A. M. At 2 P.M. P.W. 4 went to the Oddars' street and found 2 Dalmiapuram men offering 8 annas to each voter and then making one Ramaswami pay 8 annas to each voter. The voters so paid were Mookan Chetti, Sanjivi Chetti and Periaswami Chetti. P.W. 4 did not complain to any authority about the purchase of votes for the 1st respondent. Nor did he inform the 2nd respondent about the same, P.W. 6 Chinnaswami Pillai is a Padayachi lives in Vengalam. According to him the meeting of Naidus and Padayachis took place in front of the Pillayar temple whereas according to P.W. 4 the meeting was at his house. P.W. 6 does not remember whether 2nd respondent or Alagesa Naidu attended the meeting. While P.W. 4 says that three Dalmiapuram men worked for 1st respondent P.W. 6 would say that four Dalmiapuram men worked for him. P.W. 6 adds that he saw 1st respondent's men accompanied by Oddars paying rupee 1 to Kandaswami Asari for 2 votes and Rs. 2 to Ramaswami Goundar and Marimpathu Goundar for 4 votes. P.W. 12 Nalluswami Padayachi lives in Vengalam. Like P.W. 6 he too says that the meeting of Padayachis and Naidus took place at the Pillayar Koil. According to him two Dalmiapuram men worked for 1st respondent and they paid 8 annas to each of 2 widows for their votes. He adds that the payment was made one week before the election which took place on 4th March, 1957. R.W. 1 says that none worked for him at Vengalam.

It will be seen that P.Ws. 4, 6 and 12 do not say that the 1st respondent was present at the payment of bribes to the voters though it is alleged so in the petition. Nothing is definitely known as to who is R. P. Ramaswami mentioned in the

petition as 1st respondent's agent. The evidence of P.Ws. 4, 6 and 12 has been shaped in such an ingenious way that one does not corroborate the other with regard to the voters alleged to have been bribed so as to avoid possible contradictions in the evidence. On a consideration of the evidence of P.Ws. 4, 6 and 12 and R.W.1, I am not prepared to hold that the petitioner has succeeded in proving that any voters were bribed by 1st respondent in Vengalam village.

(5) *P. Krishnapuram*.—This village is item No. 26 in the schedule under paragraph 4(a) of the petition. According to the petition 1st respondent and Periaswami Naidu alleged to be his agent bribed the voters by paying 8 annas to each of them at their houses on 3rd March, 1957. P.Ws. 7 and 11 seek to prove the alleged bribery. P.W. 7 Poomalai Konar received summons on the night of 17th October, 1957 for his examination in court on 18th October, 1957. One Vridhachala Reddiar of Vembavur took the summons to him. It may be mentioned that the petitioner is a Reddiar by caste. P.W. 7 swears that two men from Dalmiapuram and Periaswami Naidu of Krishnapuram worked for 1st respondent, that they paid 8 annas to Alangara Kone for his vote and 8 annas to Veeraswami Naicker for his vote. The witness does not know who worked for the other candidates. He did not mention to any one till his examination in court that 1st respondent's men paid money for getting votes. P.W. 11 Vaithilinga Goundar is worth Rs. 15,000. He was supporting the 2nd respondent and Alagasa Naidu at the elections. He sets up a new case that Periaswami Naidu got money from 1st respondent's Dalmiapuram men and paid Rs. 5 each to Subba Naicker, Veeraswami Naidu and Nalluswami Padayachi at the coffee hotel of Chidambaram Naidu asking them to pay voters at 8 annas for each vote. He adds that he saw Periaswami Naidu and two Dalmiapuram men paying Rs. 1-8-0 to Ramaswami Goundar for 3 votes and Rs. 2 to Perumal Padayachi for 4 votes. He makes the further statement that 1st respondent's men and Periaswami Naidu made payment for votes at the coffee hotel of Chidambaram Naidu in the presence of 12 persons. R.W. 1 does not know Periaswami Naidu. R.Ws. 2 and 13 say that Periaswami Naidu worked for Alagesa Naidu.

P.Ws. 7 and 11 do not corroborate each other with regard to the actual voters alleged to have been bribed. P.W. 11 is admittedly a supporter of 2nd respondent. He speaks to bribing of voters by 1st respondent's men in a coffee hotel and thereby speaks to a new case not set up in the petition. P.W. 7 appears to have been thought of as a witness only on 18th September, 1957. From the evidence of R.Ws. 1, 2 and 13 it appears that Periaswami Naidu worked for Alagesa Naidu and not for 1st respondent. Though according to the petition 1st respondent and Periaswami Naidu bribed the voters, P.Ws. 7 and 11 do not say that 1st respondent was present in the village on 3rd March, 1957. I therefore hold that the alleged bribing of voters by 1st respondent at P. Krishnapuram has not been proved.

(6) *Vadagarai*.—This is item 27 in the schedule under paragraph 4(a) of the petition. According to the petition 1st respondent and Krishnaswami Reddiar alleged to be his agent paid 8 annas to each voter in his house in Vadagarai on 3rd March, 1957. As in the other cases the address of Krishnaswami Reddiar or the names of the voters bribed are not given in the petition. P.Ws. 8 and 9 have been examined to prove the bribing. P.W. 8 Muthunallu Naidu lives in Vembavur south of Vadagarai. He came to court having been called by Vridhachala Reddiar already referred to. After coming to court he was served with summons on the date of his examination. He owes a debt of Rs. 200 on a mortgage. He has taken unsecured loans to the extent of Rs. 800. These debts are outstanding for 10 years. He swears that on 3rd March, 1957 he went to Vadagarai in search of P.W. 9 Chinnaswami Udayar who owned him Rs. 10, that Chinnaswami Udayar was in the shop of a Muslim and that then he saw 1st respondent's men from Dalmiapuram and Vadagarai Krishnaswami Reddiar who worked for 1st respondent paying rupee 1 to one Vaiyapuri Chettiar for 2 votes and then paying 8 annas to Veerabdara Chettiar's widow for 1 vote. This according to the witness took place at 10 A.M. At 3 P.M. on the same date he claims to have gone to Vadagarai to call his Pannaial in the Goundars' street and waited in his Pannaial's house for about an hour and seen 1st respondent's men and Krishnaswami Reddiar giving Rs. 1/8/- to Veera Goundar for 3 votes and rupee 1 to Palani Goundar for 2 votes and rupee 1 to Lakshmana Goundar for 2 votes. P.W. 9 seeks to corroborate P.W. 8 and adds that at the mosque of the Muslims 1st respondent's Dalmiapuram men and Vadagarai Krishnaswami Reddiar paid Rs. 45/- for 60 votes of the Muslims. R.W. 1 does not know Vadagarai Krishnaswami Reddiar. R.W. 2 says that he asked Ponnuswami Reddiar to work in Vadagarai for the Congress candidates. Neither P.W. 8 nor P. W. 9 says that 1st respondent was present at Vadagarai when the voters are alleged to have been bribed. P.W. 8 and P.W. 9 do not appear to be men of any status. Their evidence does not impress me as true, particularly when both do not refer to the presence of 1st respondent and

when P.W. 9 speaks to the bribing of Muslims in the mosque, a case not set up in the petition. I therefore hold that the alleged bribing of voters by 1st respondent at Vadagarai is not true.

(7) *Neikuppai*.—This village is item 28 of the schedule under paragraph 4(a) of the petition. According to the petition 1st respondent and Sivaswami Udayar, his alleged agent, paid 8 annas to each voter in his house in Neikuppai on 3rd March, 1957. As in the other cases, the address of the alleged agent and the names of the bribed voters are not given in the petition. P.Ws. 2 and 3 have been examined in this connection. P.W. 2 Kulandaivelu Udayar is the President of the Panchayat Board, Neikuppai from 1953. He owns Rs. 300 to the Cooperative Bank for the past 1 year. He admits that he worked for the 3rd respondent at the election, the 3rd respondent being his casteman, a Udayar. He says that he came to court after receiving summons and Rs. 4 from a boy. He denies the suggestion that he was brought to court by petitioner's men. He swears that Sivaswami Udayar, Vice-President of the Panchayat Board and two men from Dalmiapuram worked for the 1st respondent in Neikuppai, that they paid Rs. 1/8/- to Omayya Gounder for 3 votes, rupee 1 to Paramesiva Pandaram for 2 votes and Rs. 2/8/- to Muthuswami Gounder for 5 votes. P.W. 3 Velayutha Udayar living in Neikuppai admits that he worked for the 3rd respondent who is his casteman. He too says that a boy from Tiruchi gave him summons and Rs. 4 and hence he came to court. He seeks to corroborate P.W. 2. Both P.Ws. 2 and 3 do not say that the 1st respondent was present at Neikuppai, when the alleged bribing took place. R.W. 1 does not know Sivaswami Udayar. On a consideration of the evidence of P.Ws. 2 and 3 and R.W. 1, I am not prepared to rely on the interested and unsatisfactory evidence of P.Ws. 2 and 3 to hold that the 1st respondent bribed voters at Neikuppai. Hence my finding is that the 1st respondent did not bribe any voters at Neikuppai.

(8) *Naranamangalam*.—This village is item 35 in the schedule under paragraph 4(a) of the petition. According to the petition 1st respondent and Ayyakannu, his alleged agent paid 8 annas to each voter in his house on 4th March, 1957, the date of election. P.Ws. 14, 15 and 16 seek to prove this charge. P.W. 14 Pachamuthu Udayar admits that he supported only the 3rd respondent at the election. One Venkatarama Reddhar living in Karattanpatti took the witness to court on 20th September, 1957 when he was examined. According to this witness 1st respondent's Dalmiapuram men, Ayyakannu Moopanan and Sengamala Moopanan worked for the 1st respondent and bribed certain voters including Kandan and Kaliyan at the Moopanarkoil in the Harijan habitation at Naranamangalam. P.W. 15 Ramaswami Moopanan attempts to corroborate P.W. 14 by saying that Harijan voters were bribed at the Moopanan temple in the Harijan habitation. This witness has a pronote debt of Rs. 300 for the last 2 years. He was also brought to court by Venkatarama Reddhar of Karattanpatti. P.W. 16 Appavu Udayar appeared before court without any summons. He was brought to court by Siruvachur Ramaswami Reddhar who said that the petitioner wanted him. According to this witness also 1st respondent's men bribed the voters at the Moopanan Koil. R.W. 1 does not know Ayyakannu Moopanan. He swears that he did not ask him to work for him. R.W. 2 says that it was Kannuswami Moopanan who worked for Congress candidates in Naranamangalam. R.W. 9 Kannuswami Moopanan worth Rs. 10,000 says that he and Duraiswami Moopanan worked for Congress candidates in Naranamangalam and that Appavu Moopanan and Sengamala Moopanan did not work for them. He denies that any voter was bribed for Congress candidates.

On a consideration of the evidence of P.Ws. 14, 15 and 16 and R. Ws. 1, 2 and 9, I have no hesitation in rejecting the evidence of P.Ws. 14, 15 and 16 as utterly unreliable as according to the petition 1st respondent and his agent bribed voters only in their houses and not at any temple. None of these witnesses says that 1st respondent was present at all. I therefore hold that 1st respondent did not bribe any voters in Naranamangalam.

(9) *Keelaparambalur*.—This village is given as items 36 and 37 in the schedule under paragraph 4(1)(a) of the petition. According to the petition 1st respondent and his alleged agents Chinnaaswami Kandayar and Kandaswami Moopanan paid 8 annas to each voter in his house. No name of any of the voters alleged to have been bribed is given in the petition. P.W. 17 Chinnaaswami Kadanthayar and P.W. 18 Kandaswami Moopanan speak to this charge. Both are Padayachis by caste. P.W. 17 says that he worked for 1st respondent as asked by R.W. 8 Ramalinga Padayachi, the Congress candidate who was returned to the State Assembly. He admits that he worked for the 2nd respondent at the 1952 election when he was returned to Parliament. He would say that he did not work for the 2nd respondent at the last election as the 2nd respondent did not work well. His

version is that Natesa Udayar, karnam of Vayalappadi and a man from Dalmiapuram visited Keelaperambalur on 4th March, 1957 that he took them with him, that they paid rupee 1 to Adimoola Kadanthayar, then Rs. 2 to Periaswami Kadanthayar, then Rs. 3 to Rengaswami Kadanthayar and then Rs. 2 to Govinda Kadanthayar, at 8 annas per vote. He adds that they later paid Rs. 2 to Adimoola Konar, Rs. 1/8/- to Veeraswami Konar, and rupee 1 to Andur Konar, at 8 annas per vote. He adds further that they subsequently paid Rs. 2 to Velan Samban and Rs. 1-8-0 to Sadayan Samban, at 8 annas per vote. The witness did not tell any one till he was examined in court that 1st respondent's man from Dalmiapuram paid money to voters through him. He does not know the name of the Dalmiapuram man. Of the voters who are alleged to have been bribed, Adimoola Kadanthayar is worth Rs. 5,000, Periaswami Kadanthayar is worth Rs. 5,000, Rengaswami Kadanthayar and Govinda Kadanthayar are each worth Rs. 3,000 and Veeraswami Konar is worth Rs. 4,000. The witness was sent for by the village munsif of his place to his house and there the petitioner's man gave him the summons and Rs. 5 on 23 October 1957 and the witness appeared in court on 24th October 1957 and was examined.

P.W. 18 says that he worked for 1st respondent and R.W. 8 as asked by Natesa Udayar, karnam of Vayalappadi. His version is that on 4th March 1957 he took with him Natesa Udayar and 1st respondent's man from Dalmiapuram and the Dalmiapuram man paid Rs. 1-8-0 to Krishna Moopanan, rupee 1 to Nataraja Moopanan, Rs. 1-8-0 to Mayandi Moopanan and Rs. 1-8-0 to Periaswami Moopanan, at 8 annas per vote. Krishna Moopanan is worth Rs. 3,000, Nataraja Moopanan is worth Rs. 5,000, Mayandi Moopanan is worth Rs. 4,000 and Periaswami Moopanan is worth Rs. 10,000. The witness can't read Tamil and he can only sign his name. He was not given any voters' list to work for 1st respondent. He did not tell any one that 1st respondent's men purchased votes for 1st respondent through him. He does not know who else worked for 1st respondent in the village. The suggestion made to him is that he and other Padayachis worked only for the 2nd respondent and not for the 1st respondent. R.W. 1 swears that he does not know P.Ws. 17 and 18. He adds that Padayachis are in majority in Keelaperambalur and supported only the 2nd respondent. R.W. 8 also swears that he does not know P.Ws. 17 and 18 and that he did not ask them to work for the 1st respondent.

According to the version of P.Ws. 17 and 18 1st respondent did not ask them to work for him. If they did work for him, it is very unlikely that they would have come to court and given evidence against him particularly when he has come out successful in the election. None of them says that 1st respondent was present at the time of payment of money to voters though in the petition he and P.Ws. 17 and 18 are said to have jointly bribed the voters. The persons alleged to have been bribed appear to be men of means and it is very improbable that they would have received 8 annas each for casting their votes. R.Ws. 1 and 8 deny that P.Ws. 17 and 18 worked for them. I therefore disbelieve P.Ws. 17 and 18, and hold that the alleged bribing of the voters in Keelaperambalur by the 1st respondent is not true.

(10) *Vasishtapuram*.—This village is given as items 40 and 42 in the schedule under paragraph 4(1)(a) of the petition. According to the petition 1st respondent and his alleged agents Krishna Padayachi and Seetharaman son of Krishna Padayachi, bribed the voters at their houses on 4th March, 1957. P.W. 20 is the only witness examined on the side of the petitioner to prove this charge. Just like P.Ws. 17 and 18. P.W. 20 Seetharama Padayachi also says that he worked for the 1st respondent as wanted by R.W. 8, Natesa Udayar and a man from Dalmiapuram. According to him payments were made on behalf of the 1st respondent to Perumal Padayachi, Lakshmana Padayachi, Adimoola Padayachi, Krishnaswami Padayachi and Muthuswami Padayachi, at 8 annas per vote and then to certain Harijans. Murugan, Chellan, Raman and Chittian also at 8 annas per vote. The witness admits that the 1st respondent never went to the village and that he has not seen him so far. He would say that he worked for the 1st respondent as R.W. 8 the Congress candidate for the State Assembly is related to him. He wanted to say that R.W. 8 gave him a voters' list. When I put a court question whether he was prepared to go in a car with a person sent by court and bring the voters' list, immediately he gave the reply that he could not say that the voters' list was safely preserved in his house. According to him he contacted only 20 voters though there are about 1,000 voters in his village. R.Ws. 1 and 8 say that they did not know P.W. 20 at all.

I am perfectly satisfied that P.W. 20 is not stating the truth. He is a most unreliable witness. If he did work for the 1st respondent and R.W. 8, it is very unlikely that he would have come to court to depose against them as both of them have succeeded in the elections. Hence I hold that the alleged bribing of voters by 1st respondent at Vasishtapuram is not true.

(11) **Reddikkudikadu:** This village is item 43 in the schedule under paragraph 4(1) (a) of the petition. According to the petition 1st respondent and Nallamuthu Padayachi, his alleged agent bribed the voters at their houses on 4th March, 1957 by paying them at 8 annas per vote. No name of the voter alleged to have been bribed is given in the petition. P.W. 19 Nallamuthu Padayachi is the only witness examined on the side of the petitioner to prove this charge. As in the two previous cases, P.W. 19 also would swear that Natesa Udayar, karnam of Vayalappadi, R.W. 8 and a man from Dalmiapuram asked him to work for the 1st respondent. He says that, as asked by him, 1st respondent's man paid moneys to Chinnaswami Padayachi and Thangavel Padayachi and also to Krishnan, Mukkulathan, Ramalingam, and Adimoolam, Harijans at 8 annas per vote. The witness can't read or write. He can merely sign his name. He received his summons only on 23rd October, 1957 and was examined on 24th October, 1957. R.Ws. 1 and 8 say that they do not know P.W. 19 at all. I am not prepared to rely on the uncorroborated testimony of P.W. 19 to hold that the 1st respondent bribed any voters in this village. I find that the alleged bribing of voters by the 1st respondent at Reddikkudikadu is not true.

(12) **Chettikulam:** This village is item 46 in the schedule under paragraph 4(1) (a) of the petition. According to the petition 1st respondent and Mavulinga Duraiswami Udayar, his alleged agent bribed voters near the polling station at Chettikulam on 4th March, 1957. It is also added that Ramalinga Goundar, petitioner's agent reported to the police about the bribing of voters by Duraiswami Udayar. P.W. 27 Thirumalai Goundar is the only witness examined by the petitioner to prove this charge. He swears that he saw near the polling booth Duraiswami Udayar of Mavulingam giving 8 annas to each voter and asking the voters to vote for the 1st respondent. He adds that the Sub Inspector of Police took Duraiswami Udayar and two women who received money from him for voting for the 1st respondent, to the police *chavadi* and then sent them away after warning. He denies the suggestion that he was convinced and sentenced to pay a fine of Rs. 3 for creating disturbance in a cinema theatre. On behalf of the 1st respondent Ex. B-8, certified copy of the judgment in C.C. 1317/56 on the file of the Sub Magistrate's Court, Perambalur is filed to show that on 14th August, 1956 P.W. 27 was fined Rs. 3 for committing public nuisance, under S. 290 I.P.C. R.W. 1 says that he does not know Mavulingam Duraiswami Udayar and that he did not work for him. R.W. 17 a resident of Chettikulam, owing properties worth Rs. 40,000, swears that Mavulingam Duraiswami Udayar did not work for Congress candidates in Chettikulam. I am not prepared to believe the uncorroborated and unsatisfactory evidence of P.W. 27. I hold that the alleged bribing of voters by the 1st respondent at Chettikulam is not true.

In view of my above findings, I find issue 1 against the petitioner.

8. **Issue 2:** Under this issue the question for decision is whether the 1st respondent and his agents offered 1 rupee to each voter in 4 villages to make them refrain from voting as alleged in schedule 4(1) (b) of the petition. Though in the schedule under paragraph 4(1)(b) 4 villages are mentioned as the places where the 1st respondent is alleged to have committed the corrupt practice evidence has been let in in respect of the corrupt practice in three villages only. I shall consider the evidence relating to each of these villages.

(1) **Pudukurichi:** This village is item 2 in the schedule under paragraph 4(1) (b) of the petition. According to the petition 1st respondent and Appavu Moopanar, his alleged agent paid 1 rupee to each of the voters near the polling booth and at the house of the voters in Pudukurichi on 4th March, 1957. The names of the voters who are alleged to have been bribed have not been given in the petition. P.W. 37 Palanimuthu, a Harijan is the only witness who seeks to prove this corrupt practice. He owes Rs. 300 on two promissory notes for the last two years. He denies the suggestion that he is a lessee under the petitioner. His version is that Subbu Reddiar of Kaarai and Appavu Moopanar of Pudukurichi along with two persons from Dalmiapuram worked for the 1st respondent and bribed 5 voters near the polling station at Kaarai and asked them to go away without voting for any candidate as Muthuswami Udayar and Devaraja Reddiar asked them to vote for the 3rd respondent and the petitioner respectively. R.W. 1 says that he does not know Appavu Moopanar and that he did not ask him to work for him. R.W. 7 Raju Moopanar son of Appavu Moopanar says that his father did not go out of his house on the date of the election as he, being aged 75, could not go out. I see no reason to believe the uncorroborated testimony of P.W. 37 in preference to R.Ws. 1 and 7. I hold that the alleged bribing of the voters by the 1st respondent in this village is not true.

(2) *Thiruvallakkurichi*: This is one of the three villages mentioned as item 3 in the schedule under paragraph 4(1)(b) of the petition. According to the petition 1st respondent and Natesan, his alleged agent bribed the voters by paying 1 rupee to each voter near the polling booth and in their houses on 4th March, 1957, for not voting at the election. As in the other cases, the names of the voters alleged to have been bribed are not given in the petition. P.W. 39 Subbiah Mooppanar living in Thiruvallakkurichi is the only witness examined on the side of the petitioner to prove this charge. His version is that Chinnaswami Naidu of Padalur, Natesa Mooppanar of Thiruvallakkurichi and Raja Mooppanar of Korathakudi worked for the 1st respondent and that they asked P.W. 39 and about 10 other voters who had gone to Padalur for casting their votes in favour of the petitioner, not to vote for any candidate and paid money to some of the voters and sent them away. Three of the persons said to have been bribed are Periaswami, Alamuthu and Chinnaswami. Periaswami is worth Rs. 5,000. Alamuthu is worth Rs. 8,000 and Chinnaswami is worth Rs. 8,000. R.W. 1 swears that he does not know Natesa Mooppanar and that he did not ask him to work for him. R.W. 5 Chinnaswami Naidu says that the alleged bribing of voters by him, Natesa Mooppanar and Raja Mooppanar is not true and that Natesa Mooppanar belongs to the D.M.K. and did not work for the Congress candidates.

I am not prepared to believe the uncorroborated and unsatisfactory evidence of P.W. 39 in preference to the evidence of R.Ws. 1 and 5 and I hold that the alleged bribing of voters in Thiruvallakkurichi by the 1st respondent is not true.

(3) *Thiruppattur*: This village is item 4 in the schedule under paragraph 4(1)(b) of the petition. According to the petition 1st respondent and Chellappa Reddiar and Duraiswami Reddiar, his alleged agents, paid 1 rupee per voter at Thiruppattur on 4th March, 1957 and dissuaded them from voting for the candidates. The exact place where the bribing took place and the voters who received the bribes are not given in the petition. P.W. 33 Brahmalingam Pillai and P.W. 34 Nataraja Reddiar seek to prove this charge.

P.W. 33 lives in Thiruppattur. He is manager of a Touring Talkies there. His monthly pay is Rs. 60/-. He admits that the petitioner has much influence in Thiruppattur. Petitioner's relation Mooka Reddiar worked for the petitioner, there. According to this witness Chellappa Reddiar and Brahmalinga Goundar of Thiruppattur worked for the 1st respondent in the village and Chellappa Reddiar paid 1 rupee to each for 15 voters and asked them not to vote for any of the candidates as Mooka Reddiar asked those voters to vote for the petitioner. He cannot give the names of the voters to whom Chellappa Reddiar made the payment. He merely knows that those voters were Muthurajas. He denies the suggestion that he supported the petitioner, and also Dharmalingam, a Dravida Munnetra Kazhagam candidate who stood for election to the State Assembly. P.W. 34 Nataraja Reddiar also lives in Thiruppattur. He owns properties worth Rs. 35,000. According to him Chellappa Reddiar and Brahmalinga Goundar who worked for the 1st respondent paid 1 rupee to each of 15 voters who were brought by Mooka Reddiar to the polling booth and asked those voters to go home. He too cannot give the names of the voters who were thus bribed. He adds that he cannot say how many of them were Muthurajas and how many of them were Goundars. He denies that he is the President of the Dravida Munnetra Kazhagam at Thiruppattur. R. W. 1 says that he does not know the alleged agents Chellappa Reddiar and Duraiswami Reddiar. R.W. 16 Ganapathi Muthuraja swears that he and others worked for the Congress candidates, that P.Ws. 33 and 34 belong to the Dravida Munnetra Kazhagam and that they worked for Dharmalingam, the D.M.K. candidates for election to the State Assembly and also for the petitioner.

Though it is alleged in the petition that the 1st respondent and the two persons mentioned as his agents bribed the voters, 1st respondent's presence is not at all mentioned by P.Ws. 33 and 34. They are unable to give the names of the voters who are alleged to have been bribed. R.W. 1 says that he does not know P.Ws. 33 and 34. R.W. 16 says that these persons are members of the Dravida Munnetra Kazhagam. I see no reason to believe the evidence of P.Ws. 33 and 34 in preference to that of R.Ws. 1 and 16. I hold that the alleged bribing of voters by the 1st respondent in Thiruppattur is not true.

In view of my findings given above, Issue 2 also is found against the petitioner.

9. *Issue 3*: Under this issue it has to be determined whether the 1st respondent paid lump sums for the villages mentioned in the petition to secure the votes of the villages as alleged in paragraph 4(1)(c) of the petition. Out of the seven

villages mentioned in the petitioner evidence has been let in connecting four villages only. I shall consider the evidence relating to each of these villages.

(1) *Pulambadi*.—This village is item 2 in the schedule under paragraph 4(1) (c) of the petition. According to the petition 1st respondent paid Rs. 500/- to Na. Krishna Konar on 2nd March, 1957 for repair of a temple. P.Ws. 1, 28 and 50 speak to this charge. According to P.W. 1 Ganapathi Reddiar, 1st respondent and Krishnaswami Reddiar who stood for election to the State Assembly went to Pulambadi on 2nd March 1957 and met the villagers at the Bajanal Matam in Eda Theru and it was Krishnaswami Reddiar who paid Rs. 500/- to Krishna Konar for the repairing of the Kamba Perumal Koll. P.W. 28 Devanatha Reddiar says that the Kumbabishekam of the Kamba Perumal Koll was performed about a month before he was examined in court and that Karuppa Konar was saying that Rs. 500/- was got for repair of the temple from the 1st respondent, Krishnaswami Reddiar and Perlanann who stood as Congress candidates for elections. He adds that on 3rd March, 1957 Karuppa Konar was telling his castemen to vote for Congress candidates who had paid money for the temple. He did not tell the petitioner or any one till the date of his examination that Karuppa Konar was telling his castemen that the Congress candidates had paid money for the renovation of the temple. P.W. 50 Sadayappan, a Harijan Vetti of Pulambadi, says that the 1st respondent paid Rs. 500/- to Karuppiiah Konar and that the Kamba Perumal Koll was renovated with that money. This witness received summons from Pulambadi Srinivasa Reddiar who brought it on the night of 3rd December, 1957 for his examination on 5th December, 1957. He admits that Srinivasa Reddiar, Sagala of the petitioner, belongs to Pulambadi. He denies the suggestion that he is deposing for the petitioner at the instance of Srinivasa Reddiar. R.W. 1 swears that he did not visit Pulambadi on 2nd March, 1957 and did not pay money to Krishna Konar or Karuppa Konar. R.W. 11 Krishnaswami Konar says that the 1st respondent did not visit Pulambadi before the election and adds that the Kamba Perumal Koll was not renovated by any money given by the 1st respondent and that it was repaired at a cost of Rs. 300/- collected from his castemen.

I have already referred to the unreliable nature of the evidence of P.Ws. 1 and 28 while giving my finding on issue 1. P.W. 50 is not a person of any status. I am not prepared to rely on the evidence of P.Ws. 1, 28 and 50. According to P.W. 1 Rs. 500/- was paid for the temple not by the 1st respondent but by Krishnaswami Reddiar. I am not inclined to believe P.Ws. 1, 28 and 50 in preference to R.Ws. 1 and 11 to hold that the 1st respondent paid Rs. 500/- for the renovation of the temple. I hold that the alleged payment of Rs. 500/- by the 1st respondent is not true.

(2) *Ranjankudi*.—This village is item 3 in the schedule under paragraph 4(1) (c) of the petition. According to the petition 1st respondent paid Rs. 500/- on 1st March, 1957 for constructing a Radio Station in Ranjankudi. The place of payment and the person to whom the amount was paid are not given in the petition. P.W. 38 Sanjeevi Padayachi examined on 7th November, 1957 is the only witness who speaks to the payment. His name is not found in the witness list filed by the petitioner on 25th October, 1957. He lives in Ranjankudi. He swears that on 1st March, 1957 1st respondent, R.W. 2 and another arrived at the village in a jeep, got down at the upstairs house of Pichamuthu Konar and paid Rs. 500/- to Subramania Pillai for construction of a room for housing a radio set. He adds that the radio room was not built as the villagers decided to make a car for the Mariamman temple there and made one. The witness did not tell any one about the 1st respondent's payment of Rs. 500/- for votes in his village. R.W. 1 says that he did not visit Ranjankudi on 1st March, 1957 and did not pay any amount as alleged by P.W. 38. R.W. 2 also denies the truth of P.W. 38's evidence. I see no reason to believe the uncorroborated evidence of P.W. 38 in preference to the evidence of R.Ws. 1 and 2. I hold that the petitioner has not succeeded in proving the alleged payment of Rs. 500/- by the 1st respondent.

(3) *Eluppakkudi*.—This village is item 4 in the schedule under paragraph 4(1) (c) of the petition. According to the petition 1st respondent paid Rs. 500/- on 1st March, 1957 for construction of a school building at Eluppakkudi. As in the previous case, the place of payment and the person to whom it was paid are not given in the petition. The only witness who speaks to the payment is P.W. 43 Punyamurthi Pillai examined on 15th November, 1957. His name is not found in the witness list filed on 25th October, 1957. He is worth Rs. 35,000. He is the President of the Co-operative Society at Gudalur. His version is that since the majority of the voters in Eluppakkudi were Udayars who had all decided to vote for the 3rd respondent who is a Udayar, 1st respondent paid Rs. 500/- to

Maruthamuthu Udayar for building a school in the village in consideration of the Udayars casting their votes in favour of the 1st respondent. The witness denies the suggestion that he is deposing at the instance of the 3rd respondent and P. B. K. Rajachidambara Reddhar. R.W. 1 denies that he visited Eluppakkudi on 1st March, 1957 and that he paid any amount as alleged by P.W. 43. I see no reason to believe the uncorroborated evidence of P.W. 43. I hold that the petitioner has not satisfactorily proved the alleged payment of Rs. 500/- for votes by the 1st respondent at Eluppakkudi.

(4) *Sengattupatti*.—This village is item 7 in the schedule under paragraph 4(1)(c) of the petition. According to the petition 1st respondent paid Rs. 500/- on 1st March, 1957 for purchasing a radio for Sengattupatti. The place where the amount was paid and the person to whom it was paid are not given in the petition. P.W. 44 Balakrishna Reddhar examined on 16th November, 1957 and P.W. 45 Rengaswami Naidu examined on 25th November, 1957 seek to prove this payment. Their names are not found in the witness list filed by the petitioner on 25th October, 1957. P.W. 44 lives in Sengattupatti. He is worth Rs. 40,000. According to him 1st respondent, Muthuswami Pillai and some other persons arrived at the *chavadi* in the village and the 1st respondent gave Rs. 500/- to Muthuswami Pillai in the presence of a big crowd for purchasing a radio set in consideration of the villagers voting for the 1st respondent. The witness cannot give the denominations of the notes for Rs. 500/- which the 1st respondent gave. Adimoola Reddhar of Sengattupatti stood for election to the State Assembly on the ticket of the Dravida Munnetra Kazhagam. The witness denies the suggestion that all the Reddhars in the village supported only the petitioner and Adimoola Reddhar. He admits that he and others supported Adimoola Reddhar and voted for him. P.W. 45 also lives in Sengattupatti. He is worth Rs. 50,000. He seeks to corroborate P.W. 44. The witness does not know who worked for the petitioner and the 2nd respondent and 3rd respondent. He denies the suggestion that Naidus supported Alagesa Naidu who stood for election to the State Assembly and that Alagesa Naidu and the 2nd respondent worked jointly. R.W. 1 denies that he visited Sengattupatti on 1st March, 1957 and that he paid money as alleged by P.Ws. 44 and 45. R.W. 15 Muthuswami Pillai, Secretary of the Congress Committee of Sengattupatti swears that the 1st respondent did not at all visit Sengattupatti before the election and that he did not give Rs. 500/- for purchasing a radio as alleged by P.Ws. 44 and 45. He adds that P.Ws. 44 and 45 belong to the Dravida Munnetra Kazhagam. On a consideration of the evidence of P.Ws. 44 and 45 and R. Ws. 1 and 15, and remembering the non-mentioned in the petition of the place where the amount was paid and the person to whom the payment was made, I do not think that the evidence is sufficient and satisfactory to prove the alleged payment. I therefore hold that the 1st respondent did not pay Rs. 500/- for purchasing a radio for Sengattupatti.

In view of my above findings, Issue 3 is found against the petitioner.

10. *Issue 5*.—Under this issue, the question for decision is whether 1st respondent and his agents procured votes by feeding the voters with meals, tiffin and tea as alleged in paragraph 4(2) of the petition. In the schedule under paragraph 4(2), 8 villages are mentioned as the places where this corrupt practice is alleged to have been adopted. Under the heading "Name of the person in charge of the feeding" some hotels and some persons are mentioned. I shall discuss the evidence relating to the alleged feeding of voters in each of these villages.

(1) *Chettikulam*.—According to the petition 1st respondent and his agents fed the voters on 4th March, 1957 in Gundu Rao's Coffee Club and 'Raja Chitrundi Salai' in Chettikulam. P.Ws. 25, 26 and 29 speak to the alleged feeding. P.W. 25 Rajagopala Reddhar runs a hotel 'Raja Chitrundi Salai' in Chettikulam for the last 1½ years. His monthly profit from the hotel will be about Rs. 10. He owned properties worth Rs. 25,000. He wasted all his properties over a dancing girl and thereafter conducts the hotel. He swears that the 1st respondent visited Chettikulam 2 or 3 days before the polling date (4th March, 1957) and asked him to vote and work for him. The witness said that he could not work for him as he had work in his hotel. Thereupon the 1st respondent asked the witness to supply tiffin and meals in his hotel to his voters who would be sent by his workers, Thomas and Kulandal of Dalmiapuram. 1st respondent paid Rs. 10 as advance to the witness to supply tiffin and meals to his voters. On the date of election, 120 voters sent by the 1st respondent's men were fed by the witness. At 7 p.m. on 4th March, 1957 a man came in a jeep and he along with Thomas and Kulandal paid the amount due to the witness. No accounts are maintained by the witness in respect of his hotel business. P.W. 49 Gundu Rao says that the 1st respondent visited Chettikulam 2 days before the election date, that one

Malayappa Goundar from Dalmiapuram accompanied the 1st respondent, that Malayappa Goundar asked the witness to feed the 1st respondent's workers and that he supplied food to about 200 persons from Dalmiapuram. It may be noticed that this witness does not say that he fed any voters of the 1st respondent. P.W. 26 Ramaswami Goundar runs a cycle shop in Chettikulam. His evidence is this. Thomas, Kulandai and Mallapillai Goundar worked for the 1st respondent in Chettikulam and took meals in P.W. 25's hotel. Mallapillai asked the voters to take meals in the hotels of P.Ws. 25 and 49. It may be remembered that P.W. 49 says that only persons from Dalmiapuram were fed in his hotel at the instance of 1st respondent's men. This witness denies that he belongs to the Dravida Munnetra Kazhagam and that he worked for the petitioner and Adimoola Reddhar, the candidate of the Dravida Munnetra Kazhagam for the State Assembly. R.W. 1 swears that he did not visit Chettikulam on 2nd March, 1957 and the evidence of P.Ws. 25 and 49 is false. R.W. 17 Rengaswami Reddhar who is worth Rs. 40,000 swears that he, Chellamuthu Goundar, President of the Panchayat Board and others worked for the Congress candidates including the 1st respondent, and that P.Ws. 25 and 26 belonged to the Dravida Munnetra Kazhagam. He denies that the 1st respondent visited his village 2 days before the election and gave advance to P.W. 25. He adds that there are two factions among the Goundars of Chettikulam, that Chellamuthu Goundar is the leader of one faction and P.W. 26's father-in-law Ramaswami Goundar is the leader of the other faction.

The names of the voters who are alleged to have been fed in the hotels of P.Ws. 25 and 49 are not given in the petition. P.W. 49 says that he fed only persons from Dalmiapuram. P.W. 25 does not appear to be a man of any status and does not maintain any account to show that any advance was paid by the 1st respondent to him for feeding voters. According to R.W. 17, P.Ws. 25 and 26 belong to the Dravida Munnetra Kazhagam. R.W. 11 denies that he visited Chettikulam on 2nd March, 1957. He also denies the truth of the evidence of P.Ws. 25 and 49. Considering the evidence of the above witnesses, I am inclined to hold that the alleged feeding of voters by the 1st respondent in Chettikulam is not true.

(2) *Ayiloor*: This village is item 3 in the schedule under paragraph 3(2). According to the petition 1st respondent and his agents fed the voters in Karuppiah Udayar's Tea Stall on 4th March, 1957. The number of voters fed and their names are not given in the petition. P.W. 41 Karuppiah Udayar and P.W. 42 Subbu Naidu speak to the feeding. P.W. 41 runs a coffee hotel and grocery shop in Ayiloor. His version is this. Ramachandra Udayar of Kudikadu and Anugraham and palaniandi of Dalmiapuram worked for the 1st respondent and Krishnaswami Reddhar, Congress candidates. On 3rd March, 1957 these persons went to the hotel of this witness and asked him to supply tiffin to 100 persons and Anugraham gave an advance of Rs. 10. He supplied tiffin to 100 voters. Only 100 voters were taken to his hotel. He maintains no accounts. He did not note down anywhere the numbers of the voters brought to be fed in his hotel. He merely remembered the numbers. He did not tell any one that he fed voters in his hotel at the instance of the 1st respondent's men. He denies the suggestion that he supported the 3rd respondent, that Ramachandra Udaya worked only for the 3rd respondent and that he is deposing at the instance of the 3rd respondent. P.W. 42 also lives in Ayiloor. He is worth Rs. 60,000. He seeks to swear that Anugraham arrived at Ayiloor on 3rd March, 1957 and gave Rs. 10 to P.W. 41 to supply tiffin to 50 or 100 voters who might come for voting for the 1st respondent. According to him he saw the payment to P.W. 41 while he was coming from his field to his house along the pathway in front of P.W. 41's hotel. There are 10 houses of Naidus and 80 houses of Reddhar in Ayiloor. Till the date of his examination in court, the witness did not tell any one that he saw the 1st respondent men paying Rs. 10 to P.W. 41 for supply of tiffin to voters. He cannot say how many voters were fed by P.W. 41. R.W. 1 denies that he made any arrangement for feeding voters at Ayiloor. R.W. 6 Maruthamuthu Muthiriar living in Ayiloor is a member of the Panchayat Board. He was asked by R.W. 2 to work for the Congress candidates and he did so. According to this witness, Ramachandra Udayar of Kudikadu worked for the 3rd respondent and did not work for Congress candidates. He denies that Ramachandra Udayar fed 1st respondent's voters in P.W. 41's hotel.

The evidence of P.Ws. 41 and 42 is unsatisfactory and unreliable. P.W. 41 would ask the court to believe that he supplied tiffin to voters without noting down their numbers anywhere. P.W. 42 seeks to corroborate P.W. 41 by saying that he saw the payment of advance by the 1st respondent's man to P.W. 41 while accidentally walking in front of P.W. 41's hotel. R.Ws. 1 and 6 deny the truth of the evidence of P.Ws. 41 and 42. I see no reason to prefer the evidence of P.Ws. 41

and 42 to that of R.Ws. 1 and 6. I hold that the alleged feeding of voters by the 1st respondent at Aylloor is not true.

(3) *Kurumbalur*.—According to the petition Rathna Mudaliar was in charge of the feeding of the 1st respondent's voters at Kurumbalur. The place where the feeding took place, how many voters were fed and who those voters were are not disclosed in the petition. P.Ws. 21, 23 and 24 seek to prove this charge. P.W. 21 Rathna Mudaliar runs a coffee hotel on the road from Turaiyur to Perambalur. His version is this. At 5 p.m. on 2nd March, 1957 1st respondent and Ganapathi Reddiar of Kurumbalur came in a jeep and alighted at the Pillayarkoil near P.W. 21's hotel. 1st respondent asked P.W. 21 to give tiffin to voters who would be brought by Ganapathi Reddiar and 1st respondent's man from Dalmiapuram (whose name he does not remember) and gave an advance of Rs. 10. On 4th March, 1957 exactly 150 voters of the 1st respondent were fed in his hotel. The witness admits that he is a member of the Dravida Munnetra Kazhagam. He never had any personal acquaintance with the 1st respondent. He denies the suggestion that he supported the petitioner, and Adimoola Reddiar who stood for election to the State Assembly on the Dravida Munnetra Kazhagam ticket. P.W. 23 Ramalingachi Reddiar lives in Kurumbalur Polayam. He is worth Rs. 80,000. He too says that Ganapathi Reddiar and 1st respondent's men worked for the 1st respondent in his village and the 1st respondent's voters were taking tiffin in P.W. 21's hotel. The witness adds that he does not like the present day Congress policy and hence he did not work for any one at the last General Elections. I may point out that P.W. 23 has been already disbelieved by me while giving my finding on issue 1. P.W. 24 Ramaswami Naidu lives in Kurumbalur and makes and repairs brass vessels. He claims to have seen the payment of advance by the 1st respondent to P.W. 21. He adds that Anugraham, a Dalmiapuram man took the 1st respondent's voters to P.W. 21's hotel. He would further say that the 1st respondent and P.W. 21 went aside when the 1st respondent asked P.W. 21 to supply tiffin to the 1st respondent's voters and that then he (P.W. 24) followed them. He denies the suggestion that he and P.W. 21 worked for the petitioner. R.W. 1 swears that he did not visit Kurumbalur on 2nd March, 1957 and did not ask P.W. 21 to feed the voters. R.W. 3 Ramaswami Konar living in Kurumbalur is the Vice-President of the Perambalur Taluk Congress committee. He worked for the Congress candidates. He swears that Ganapathi Reddiar worked for the petitioner and P. B. K. Rajachidambara Reddiar and did not work for the 1st respondent or any other Congress candidate. He denies that the 1st respondent's voters were supplied food in P.W. 21's hotel. According to him P.W. 21 is a member of the Dravida Munnetra Kazhagam and he worked for Adimoola Reddiar, Dravida Munnetra Kazhagam candidate and also for the petitioner. R.W. 4 the village headman of Perambalur also says that Ganapathi Reddiar did not work for the Congress candidates and that P.W. 21 belongs to the Dravida Munnetra Kazhagam and worked for the candidates of that Kazhagam. Regarding P.W. 23 the witness says that he owns no property and that he is an insolvent.

On a consideration of the evidence of the above witness, I am inclined to believe that P.Ws. 21, 23 and 24 are not telling the truth when they say that the 1st respondent had his voters fed in P.W. 21's hotel. I hold that the alleged feeding of the 1st respondent's voters in P.W. 21's hotel is not true.

(4) *Esanai*.—According to the petition the 1st respondent and his agents fed voters in Manikkam's tea stall at Esanai on 4th March, 1957. Which agent of the 1st respondent was in charge of the feeding, which voters were fed and what was the number of those voters are matters not disclosed in the petition. P.W. 29 Manikkam alias Krishnaswami Reddiar and P.W. 30 Ponnuswami Reddiar speak to this charge. P.W. 29 owns properties worth Rs. 20,000. He runs a tea hotel in Esanai for the last 1½ years. His evidence is as follows: As 6 p.m. on 2nd March, 1957 1st respondent and two other Congress candidates arrived in a pleasure car and alighted near his hotel. They sent for Rathnam Pillai, Ramaswami Konar and Perumal. They came. They called the witness, Rathna Pillai asked the witness to supply tiffin to voters who would be brought by 1st respondent's men and said that he would pay the amount due. On 4-3-1957 four persons who came on 2-3-1957 with the 1st respondent and Rathnam Pillai brought voters to P.W. 29's hotel and he supplied tiffin to them. The total number of voters so fed was 135. On the evening of 4-3-1957 a man from Dalmiapuram arrived in a car and paid through Rathnam Pillai the amount due to P.W. 29. Adimoola Reddiar who stood for election to the State Assembly on the ticket of the Dravida Munnetra Kazhagam was present in court when this witness was examined. P.W. 29 denies that before he was examined he was talking with Adimoola Reddiar. The monthly income earned by the witness is according to him Rs. 25/-. He denies the suggestion that he worked for the petitioner at the election. P.W. 30 Ponnuswami Reddiar has debts of Rs. 3,000 for the last 2

or 3 years. He says that P.W. 29 has closed his hotel about 2 months before his examination. He seeks to swear that he saw two men of the 1st respondent ending about 5 or 6 persons to the hotel of P.W. 29. R.W. 1 denies that he visited Esanal on 2-3-1957. He adds that P.W. 29's evidence is false. R.W. 10 Rathnam Pillai says that P.W. 29 belongs to the Dravida Munnetra Kazhagam, and that his evidence is false.

In the absence of any definite evidence about the voters who are said to have been fed by P.W. 29 on behalf of the 1st respondent and seeing that P.W. 29 does not produce any account to show that any amount was paid to him by the 1st respondent's men for feeding voters, I hold that the alleged feeding of voters by the 1st respondent in Esanal is not true.

(5) *Pulambadi*.—According to the petition one Manikkavachaga Reddhar as agent of the 1st respondent fed the voters in Pulambadi on 4-3-1957. There is nothing in the petition to show at what place, which voters and how many of them were fed on behalf of the 1st respondent. The witnesses who speak to this charge are P.Ws. 1, 5 and 28. I have already disbelieved P.W. 1's evidence while giving my findings on issues 1 and 3. P.W. 1 swears that Manikkavachaga Reddhar on behalf of the 1st respondent took voters and fed them in the hotel of Lingaswami Naidu at Pulambadi. In cross-examination he admits that he did not personally see the feeding of voters at the hotel and that he merely saw Manikkavachaga Reddhar taking men to the hotel. He denies that Manikkavachaga Reddhar worked only for the petitioner. P.W. 5 Muhammad Ibrahim is a Sidda Vaidyah. He would swear that Manikkavachaga Reddhar asked the 1st respondent's voters brought from Kallupatti to go and vote, and then to eat in Lingaswami Naidu's hotel and go. It appears that P. B. K. Rajachidambara Reddhar has got relations in Pulambadi and according to P.W. 50 a Sagala of the petitioner also lives there. P.W. 28 Devanatha Reddhar whom I have disbelieved while giving my findings on issues 1 and 3, swears that Manikkavachaga Reddhar took 7 or 8 Harijan voters saying that they could vote after taking Idols in Lingaswami Naidu's hotel. He denies the suggestion that all the Reddhars in Pulambadi supported only the petitioner and P. B. K. Rajachidambara Reddhar. R.W. 1 says that he does not know Manikkavachaga Reddhar at all and that he did not make any arrangement in Pulambadi for feeding voters. R.W. 2 says that Reddhars of Pulambadi worked only for the petitioner and P. B. K. Rajachidambara Reddhar. R.W. 11 Krishnaswami Konar says that Manikkavachaga Reddhar worked for the petitioner and Alagesa Naidu and that none of the 1st respondent's voters was fed at Lingaswami Naidu's hotel. Considering the paucity of necessary details in the petition and the unreliable nature of the evidence of P.Ws. 1, 5 and 28, I believe the evidence of R.Ws. 1, 2 and 11 and hold that the 1st respondent did not feed any voters at Pulambadi.

(6) *Sengattupatti*.—According to the petition one Muthuvenkatachala Reddhar as agent of the 1st respondent fed voters on 4-3-1957 at Sengattupatti. The petition does not give any details as to where the feeding took place, which voters were fed and what was the number of such voters. P.W. 44 Balakrishna Reddhar and P.W. 45 Rengaswami Naidu, whose names are not mentioned in the witness list filed by the petitioner on 25-10-1957 and whom I have disbelieved while giving my finding on issue 3, seek to prove this charge. P.W. 44 swears that Muthuswami Pillai, Chellamuthu Goundar, Vellava Pillai and Gopala Reddhar took the voters to the booth for voting for the 1st respondent and then had them fed in the house of Muthuvenkatachala Reddhar. P.W. 45 seeks to corroborate P.W. 44. R.W. 1 says that he does not know Muthuvenkatachala Reddhar and that he did not make any arrangement to feed the voters in Sengattupatti. R.W. 15 Muthuswami Pillai says that P.Ws. 44 and 45 belong to the Dravida Munnetra Kazhagam, that they worked for the petitioner, and that the 1st respondent's voters were not fed in Muthuvenkatachala Reddhar's house. Disbelieving P.Ws. 44 and 45 and believing R.Ws. 1 and 15, I hold that the alleged feeding of voters by the 1st respondent in Sengattupatti is not true.

(7) *Naranamangalam*.—According to the petition 1st respondent and his agents fed the voters in Adimoolam's tea stall in Naranamangalam on 4-3-1957. In the petition nothing is stated as to who managed the feeding, how many voters were fed and which persons were those voters. P.W. 13 Adimoola Mooppanar, P.W. 14 Pichamuthu Udayar and P.W. 15 Ramaswami Mooppanar seek to prove this charge. All these three witnesses were brought to court by one Venkatarama Reddhar of Karattanpatti who worked for the petitioner. P.W. 13 runs a coffee hotel in Naranamangalam for the last 2 years. He does not get much profit from it. His version is this. At 9 A.M. on 4-3-1957 Pichai, a worker of the 1st respondent took 7 or 8 Harijans to P.W. 13's hotel and fed them. Sengamalam Mooppanar, another worker of the 1st respondent had 120 voters fed there. At

on 32 persons were given meals as asked by Pichai. The witness stated first that he maintained no accounts in his hotel but later added that he maintained accounts for persons who took food on credit. In respect of Pichai, 1st respondent's man, no entry is alleged to have been made in the accounts. His explanation is that he made entries in his accounts only for local people and that he noted down in a separate paper the meals supplied to Pichai's men. He adds that he returned the paper to Pichai after getting the amount due from him. P.W. 14 admits that he supported the 3rd respondent till the last, at the election. According to him one Ayyakennu working for the 1st respondent asked the voters to go and take food in P.W. 13's hotel. P.W. 15 says that Pichai and Ayyakennu, 1st respondent's workers asked the voters to go and take lunch in P.W. 13's hotel. The witness has pronote debts for Rs. 300/- for the last 2 years. I have already disbelieved P.Ws. 14 and 15 while giving my finding on issue 1. R.W. 1 says that he does not know Ayyakennu, and that he did not make any feeding arrangements in Naranamangalam. R.W. 9 Kannuswami Moopanar swears that no voter was fed in P.W. 13's hotel on behalf of the Congress candidates. According to him Ayyakennu Moopanar and Sengamala Moopanar did not work for Congress candidates. On a consideration of the evidence of these witnesses, I am inclined to hold that the evidence of P.Ws. 13, 14 and 15 is unsatisfactory and insufficient to establish that the 1st respondent or his men fed any voters in Naranamangalam.

In view of my above findings, I find issue 5 against the petitioner.

11. Issue 7.—This issue raises the question whether the 1st respondent and his agents engaged several cars and carts for hire for carrying voters to the polling booths for voting, and to take them back from the polling booths to their villages as alleged in paragraph 4(4) of the petition. In the schedule under paragraph 4(4), seven motor cars with their numbers are given as those used by the 1st respondent to carry voters. No evidence was let in to show that any of the cars was used by the 1st respondent. Evidence has been let in only to show that voters were carried to vote for the 1st respondent in 5 out of 10 villages mentioned in the schedule. Under the heading "Name of the person who carried voters for the 1st respondent" the name of one person is given as against each village. But at the trial except in one case the persons mentioned in the petition as having carried the voters give evidence to the effect that they merely arranged for the carrying of voters. The petitioner has stated in the revised verification made on 16-7-1957 (Vide I.A. 235/57) that he knows personally that the 1st respondent arranged conveyances to his voters. But he does not say anything about this charge. It may also be mentioned that though, in the petition, cars and carts are said to have been engaged for hire by the 1st respondent for carrying voters to the polling booths for voting and to take them back to their villages, evidence is let in only to make out that the voters were merely carried to the polling booths. I shall discuss the evidence relating to each village.

(1) Orathur.—This is item 2 in the schedule under paragraph 4(4) of the petition. M. P. Chandraprakasam is mentioned in the petition as the person who carried voters for the 1st respondent. P.W. 40 Chandraprakasam Padayachi speaks to this charge. He is conducting an aided single-teacher school in Orathur from 1952, after he retired as a District Board teacher. P. B. K. Rajachidambara Reddiar was District Board President for a year before P.W. 40's retirement. The evidence of P.W. 40 is this. Sivaswami and Ganesan worked for the 1st respondent in Orathur. They are workers in Dalmiapuram Cement Factory. On 3-3-1957 Sivaswami went to P.W. 40 and asked him to tell the people to vote for the 1st respondent. P.W. 40 said that he could not do anything. Thereupon Sivaswami asked P.W. 40 to fix up two bandies to carry voters from Orathur to Malvoi where the polling booth was located. According to P.W. 40 he fixed up the bandies of Thangavelu and Chinnaswami. P.W. 40 did not tell any one till he was examined in court that he fixed up two bandies for carrying voters, at the instance of Sivaswami. The suggestion to this witness is that he is deposing falsely at the instance of the 2nd respondent and P. B. K. Rajachidambara Reddiar. R.W. 1 swears that he did not make any arrangement for conveyance of voters in Orathur. R.W. 12 Ganesan says that he did not visit Orathur during the election campaign and that he and Sivaswami did not work together.

P.W. 40 does not say which voters were carried in the bandies arranged by him: Admittedly he is not a person who carried voters in any bandy as alleged in the petition. He is not corroborated by any other witness. I therefore disbelieve his evidence and hold that the alleged carrying of voters of Orathur in bandies to vote for the 1st respondent is not true.

(2) *Pulambadi*.—This village is item 5 in the schedule under paragraph 4(4) of the petition. The name of the person who carried the voters for the 1st respondent at Pulambadi is given as Ibrahim. But P.W. 5 Muhammad Ibrahim says that he arranged for bandies to carry voters to vote for the 1st respondent. His version is this, 10 days before the election 1st respondent visited the Jeevakarunya Sangam of P.W. 5's elder brother Kamaluddin in Pulambadi. At the Sangam there were about 20 persons. Kamaluddin introduced the 1st respondent to P.W. 5. 1st respondent asked P.W. 5 to secure for him the votes of Harijans and Muslims. P.W. 5 agreed to work for the 1st respondent. On 2-3-1957 1st respondent and some Dalmiapuram men arrived at the Jeevakarunya Sangam and asked P.W. 5 to engage bandies and bring voters from Kallupatti to the polling booth in Pulambadi 2 miles away. For doing that work 1st respondent gave P.W. 5 Rs. 50/-. P.W. 5 took 4 bandies to Kallupatti and there 1st respondent's men sent voters in the bandies to the polling booth at Pulambadi. The bandy-men were Abdul Ganni, Natesa Asari, Gopala Chetti and Muhammad Ali. I have already disbelieved P.W. 5 while giving my finding on issue 5. The witness who seeks to corroborate P.W. 5 is P.W. 1 who speaks to most of the corrupt practices alleged against 1st respondent. I have already disbelieved him while giving my findings on issues 1, 3 and 5. R.W. 1 says that he did not visit Pulambadi on 2-3-1957 and adds that P.W. 5's evidence is false. R.W. 11 says that 1st respondent did not visit Pulambadi before election, and that no bandies were supplied to the voters for going and voting for the 1st respondent. On a consideration of the evidence of P.Ws. 1 and 5 and R.Ws. 1 and 11, I have no hesitation in holding that the alleged supply of conveyance to voters by the 1st respondent at Pulambadi is not true.

(3) *Mettangadu*.—This village is item 8 in the schedule under paragraph 4(4) of the petition. According to the petition one Perumal Poosari was the person who carried voters for 1st respondent at Mettangadu. He is mentioned in the witness list filed on 25-10-1957 by the petitioner but he was not examined. The names and the number of voters carried by Perumal Poosari are not given in the petition. P.W. 22 Arunachala Goundar is the only witness examined on the side of the petitioner in this connection. According to him Ganapathi Reddiar and a man of Dalmiapuram who worked for 1st respondent asked him to take voters in his bandy from Mettangadu to the polling booth in Kurumbalur and they arranged Perumal Poosari's bandy also. He adds that both he and Perumal Poosari carried voters to the polling booth and got their hire from Ganapathi Reddiar and the Dalmiapuram men. R.W. 1 denies that he made any arrangement for conveyance of voters at Mettangadu, and adds that P.W. 22's evidence is false. R.W. 3 says that Ganapathi Reddiar worked for the petitioner and P. B. K. Rajachidambara Reddiar and that no voters of 1st respondent were taken in bandies. R.W. 4 the village headman of Kurumbalur also says that Ganapathi Reddiar did not work for the Congress candidates. I am not prepared to believe the uncorroborated evidence of P.W. 22, and I hold that the alleged supply of conveyance to voters by 1st respondent in Mettangadu is not true.

(3) *Thiruppattur*.—The village is item 9 in the schedule under paragraph 4(4) of the petition. According to the petition Chellappa Reddiar was the person who carried voters for 1st respondent to Thiruppattur. His name is given in the witness list filed on 25-10-1957 by the petitioner but he was not examined. No names of voters alleged to have been carried are given in the petition. P.Ws. 33 and 34 have been examined to prove this charge. These two witnesses have been disbelieved by me while giving my finding on issue 2. P.W. 33 says that Chellappa Reddiar and Brahmalinga Goundar of Thiruppattur worked for 1st respondent, that they engaged 4 bandies to carry voters from Thiruppattur to the polling booth at Shanamangalam, 3 miles away and that Chellappa Reddiar paid the bandy hire. P.W. 34 seeks to corroborate P.W. 33. R.W. 1 says that he did not make any arrangement for conveyance of voters as alleged by P.Ws. 33 and 34. R.W. 16 says that he and some others worked for Congress candidates in Thiruppattur, that no conveyance was arranged for the voters and that P.Ws. 33 and 34 are members of the Dravida Munnetra Kazhagam. I am not prepared to believe P.Ws. 33 and 34 in preference to R.Ws. 1 and 16. I hold that 1st respondent did not supply any conveyance to voters in Thiruppattur.

(4) *Melapalur*.—This village is item 10 in the schedule under paragraph 4(4) of the petition. According to the petition the name of the person who carried voters for 1st respondent in Melapalur was one 'Sundararajan'. The names and addresses of the voters alleged to have been carried in the bandies are not given in the petition. P.W. 32 Sundararaja Mudallar says that one Sundararaja Mudallar and some workers of the 1st respondent from Dalmiapuram engaged his bandy and he carried 1st respondent's voters from Melapalur to the polling booth

in Keelapalur. He denies the suggestion that Sundararaja Mudaliar worked against 1st respondent and that he is deposing at his request. P.W. 31 Srinivasa Reddiar seeks to corroborate P.W. 32. He would say that he worked for 1st respondent at his request. He does not know who all worked for the other candidates. He denies the suggestion that he worked only for the petitioner and that he has come to depose due to his grievance against 1st respondent. R.W. 1 says that he did not ask P.W. 31 to work for him and that he does not know Sundararajan who is alleged to have engaged the bandy of P.W. 32. He adds that P.W. 32 belongs to the Dravida Munnetra Kazhagam. He alleges that P.W. 31 has grievance against him as he (1st respondent) decided in favour of the Servais while mediating in a dispute between Servais and Reddiars at Melapalur, wherein P.W. 31 represented the Reddiars. R.W. 14 Subramania Servai, living in Keelayur, hamlet of Melapalur says that he worked for the Congress candidates, that P.W. 32 and Sundararaja Mudaliar mentioned by P.W. 32 belong to the Dravida Munnetra Kazhagam, and that they worked for their candidate and the petitioner. On a consideration of the evidence of P.Ws. 31 and 32 and R.Ws. 1 and 14, I hold that the evidence of P.Ws. 31 and 32 is neither satisfactory nor sufficient to establish that 1st respondent supplied conveyance to any voters in Melapalur.

In view of my findings given above, issue 7 is found against the petitioner.

12. *Issue 8.*—This issue raises the question whether 1st respondent and his agents procured votes with the aid of Karnams, Talayaris and Thotties in the six villages mentioned in the schedule under paragraph 4(5) of the petition. It has to be pointed out that the petitioner has given in the petition only the names of the villages where Government servants are alleged to have worked for 1st respondent and has not given the names of the Government servants who worked for 1st respondent and has not stated what work they did. At the trial of the petition, evidence has been let in to make out that one Natesa Udayar, karnam of Vayyalappadi did work for the 1st respondent in Keelaperambalur, Reddikudikadu, Vasishtapuram and Lebbaikudikkadu, that Balakrishna Pillai, karnam of Sendurai and Kandaswami Padayachi, karnam of Palayakkudi worked for the 1st respondent in Maruvathur, and that Boovaraha Padayachi, karnam of Irumbilikkurichi, Balakrishna Pillai, karnam of Sendurai and Kandaswami Padayachi, karnam of Palayakkudi worked for the 1st respondent in Ponparappi. Of course, 1st respondent denies that he got the help of any of these karnams. But I do not propose to examine the evidence in respect of the alleged working of the karnams in these villages as these villages are not mentioned in the schedule to the petition. Among the 6 villages mentioned in the schedule, evidence has been let in to connect Irumbilikkurichi alone. The evidence is to the effect that Boovaraha Padayachi, karnam of Irumbilikkurichi and Kandaswami Padayachi, karnam of Palayakkudi worked for the 1st respondent in Irumbilikkurichi which is item 2 of the schedule under paragraph 4(5) of the petition. The only witness who has been examined in this connection is P.W. 46. His version is this. The majority in his village are Padayachis. They were prepared to support R.W. 8 Ramalinga Padayachi for election to the State Assembly. Boovaraha Padayachi and Kandaswami Padayachi are karnams who worked for the 1st respondent and asked the Padayachis to vote for him so that 1st respondent's men might work for Ramalinga Padayachi in other villages. The witness does not know who worked for the 2nd respondent Boovarahaswami Padayachi. He denies that Boovaraha Padayachi and Kandaswami Padayachi supported only the 2nd respondent and not the 1st respondent. He does not know 1st respondent and admits that the 1st respondent never visited his village. The name of this witness is not mentioned in the witness list filed by the petitioner on 25-10-1957. R.W. 1 says that the above karnams are not known to him and that he did not ask them to work for him. R.W. 8 also says that the karnams did not work for the 1st respondent. I am not prepared to believe the uncorroborated testimony of P.W. 46 in preference to that of R.Ws. 1 and 8. I hold that the petitioner has miserably failed to prove that any Government servant worked for the 1st respondent. Issue 8 is found against the petitioner.

13. *Issue 11.*—I have found all the issues 1 to 10 against the petitioner. Hence he is not entitled to the declaration prayed for. The petition is groundless. It is sought to be supported by perjured evidence, cleverly thought out and ingeniously shaped. I am inclined to believe that this petition is born of spite, jealousy and frustration occasioned by the crushing defeat of the petitioner who appears to be a very rich man, at the hands of the 1st respondent who is of humble origin and meagre material resources. The petition deserves to be, and is, dismissed with the costs of the 1st respondent. Considering the circumstances that 68 witnesses have been examined and that the actual duration of the trial has exceeded 8 months, I fix the advocate's fee at Rs. 1,000.

Pronounced in open court, this the 15th day of March, 1958.

S. SIVASUBRAMANIAM,

Member, Election Tribunal

(District Judge).

Petitioner's Exhibits

A1—Poster with photo of 1st respondent requesting to vote for him in the election to be held on 4th March, 1957 for the Perambalur Parliamentary Constituency.

A2—Poster requesting to vote for Congress candidates Sri R. Krishnaswami Reddiar to the General seat and Sri K. Periannan to reserved seat in the election to Perambalur Assembly Constituency.

A3 7-3-1957—Return of election (Form No. 247 for the election to the Madras Legislative Assembly from the Lalgudi Constituency).

A4 6-3-1957—Return of election (Form No. 247 for the election to the Madras Legislative Assembly from the Ariyalur Constituency).

A5 10-3-1957—Return of election (Form No. 247 for the election to the Madras Legislative Assembly from the T. Palur Constituency).

A6 14-3-1957—Return of election (Form No. 247 for the election to the Madras Legislative Assembly from the Perambalur Constituency).

A7 1-3-1957—Receipt for Rs. 400 by Sri M. Anugraham, Clerk D.C. Ltd., Dalmiapuram to 1st respondent (Vr. No. 330) expenses for Perambalur Constituency.

A8 2-3-1957—Voucher 356 receipt by Sri K. Sivasami for Rs. 30 in favour of 1st respondent being the T.A. and D.A. for workers in Ariyalur Assembly Constituency.

A9 2-3-1957—Voucher 357 receipt by Sri K. Sivasami for Rs. 50 in favour of 1st respondent being the T.A. and D.A. for workers in Ariyalur Assembly Constituency.

A10 2-3-1957—Voucher 347. Receipt by K. Sivasami of D.C. Ltd., Dalmiapuram for Rs. 30 in favour of 1st respondent being the T.A. and D.A. for workers in T. Palur Constituency.

A11 4-3-1957—Voucher No. 420 receipt for Rs. 20 by M. Ganesan of D.C. Ltd., in favour of 1st respondent for expenses of Kannanur workers.

A12 4-3-1957—Voucher 425 (Receipt by P. Ramaswami of D.C. Ltd.) for Rs. 35 in favour of 1st respondent for expenses of the workers in Vilagam, Esanai, Vaithinathapuram and Elanda Koodam.

A13 2-3-1957—Voucher No. 355. Receipt for Rs. 20 by P. Ramaswami of D.C. Ltd., in favour of 1st respondent being the T.A. and D.A. of workers in Ariyalur Constituency.

A14 8-3-1957—Voucher No. 393. Receipt for Rs. 100 by Sri P. Ramaswami, Kallakkudi for propaganda expenses in Kamarasavai firka.

A15 4-3-1957—Voucher No. 424. Receipt for Rs. 39-12-6 by Sri A. Thomas, Driller, D.C. Ltd., for travelling and meals expenses of the propaganda workers in Kalarampatti.

A16 11-10-1957—Money order coupon for sending Rs. 35 from Dalmia Cement Workers Union, Dalmiapuram.

A17 2-3-1957—Voucher No. 354. Receipt for Rs. 20 by Sri K. Pichai, Assistant Fitter, Workshop, Dalmiapuram for doing propaganda with mike set in Ariyalur Constituency.

A18 4-3-1957—Voucher No. 426. Receipt for Rs. 25 by Sri K. Pichai for Sri Thangavelu in favour of 1st respondent for payment as per chit of the President, Panchayat Board, Sullangudi.

A19 4-3-1957—Voucher No. 419. Receipt for Rs. 20 by Subramaniam of Mudhuvaithur in favour of 1st respondent for expenses of doing propaganda work in Mudhuvaithur.

A20 4-3-1957—Voucher No. 436. Receipt for Rs. 22 by Sri K. Pichal Moopnar of Dalmiapuram for the propaganda workers in Naranamangalam.

A21 3-3-1957—Voucher No. 404. Receipt for Rs. 200 by Sri A. Palaniandi, Sri P. Magdoor, Dalmiapuram to 1st respondent for propaganda expenses at Sendurai.

A22 2-3-1957—Voucher No. 465. Receipt for Rs. 15 by Rasu Moopan of Angiyannur for to and fro and meals expenses for propaganda work in Perambalur Constituency.

A23 4-3-1957—Voucher No. 432. Receipt for Rs. 25 by Sri Arokkiam and Sri A. Thangavelu, President, Sullangudi Panchayat being expenses for Sullangudi workers.

A24 Same as A18.

A25 4-3-1957—Letter written by Sri A. Thangavelu, President, Sullangudi Panchayat to 1st respondent.

A26 1-9-1957—Post card by Mosichuddin, Vice-President, Dalmia Cement Workers Union to Sellamuthu Goundar, District Board Member, Chettikulam.

A27 22-3-1957—Letter written by Mosichuddin, Vice-President, Dalmia Cement Workers Union to Sri Raman, Cycle Shop, Chettikulam.

A28 3-3-1957—Voucher No. 399. Receipt by Sri M. Subramaman Melapalur to 1st respondent for Rs. 60 being the propaganda expenses at Melapalur.

A29 2-3-1957—Voucher No. 346. Receipt by Chinnakannu to 1st respondent for Rs. 60 being propaganda expenses at Kummalur.

A30—Same as A14.

A31 3-3-1957—Voucher No. 394. Receipt by Sri A. Jagannathan to 1st respondent for Rs. 300 being the propaganda expenses in Kamarasavalli firka.

A32 2-3-1957—Voucher No. 401. Receipt by Muhammad Mohideen to 1st respondent for Rs. 300 being the propaganda expenses in Vadakkaluri firka.

A33 3-3-1957—Voucher No. 403. Receipt by Sri P. Ramaswami, Retired Ministry, Dalmiapuram to 1st respondent for Rs. 100 being the propaganda expenses in Sendurai firka.

A34 3-3-1957—Voucher No. 404. Receipt by A. Palaniandi, P. Mugdoor, Dalmia Cement Workers Union, Dalmiapuram to 1st respondent for Rs. 200 being the propaganda expenses at Sendurai firka.

A35 2-3-1957—Voucher No. 361. Receipt by M. Faizdeen, Electric Apprentice, Dalmiapuram to 1st respondent for Rs. 200 being the expenses for the workers who made propaganda work in Vadakkalur firka.

A36 2-3-1957—Voucher No. 362. Receipt by T. E. Ramaswami, S.W.P., Dalmiapuram to 1st respondent for Rs. 100 being the travelling and meals expenses of the workers in Sendurai firka.

A37 2-3-1957—Voucher No. 350. Receipt by D. Ayyakannu, Loco Driver, Dalmiapuram for Rs. 200 being the travelling and meals expenses for the workers in T. Palur firka.

A38 1-3-1957—Voucher No. 324. Receipt by Sri K. Muthuswami, Full Time worker, Dalmia Cement Workers Union for Rs. 170 being the travelling and meals expenses for appointment of both agents in T. Palur Constituency.

A39 1-3-1957—Voucher No. 327. Receipt by S. C. Dorai, Full Time Worker, Dalmiapuram Cement Workers Union, Dalmiapuram for Rs. 3 to go to Turaiyur firka for propaganda.

A40 28-2-1957—Voucher No. 308. Receipt by K. Jagannathan, Turner, W.S.D.C.W., Dalmiapuram for Rs. 225/73 being the travelling and food expenses for the propaganda workers in Ariyalur Constituency.

A41 4-1-1957—Certified copy of the decree in O.S. 47/53 on the file of the subordinate Judge's Court, Tiruchirappalli in favour of petitioner against P. B. K. Rajachidambara Reddhar.

A42 2-7-1957—Certified copy of the execution petition E.P. 261/57 in execution of the decree in O.S. 308/50 on the file of the Subordinate Judge's Court, Tiruchirappalli.

A43—Perambalur taluk map.

Respondents' Exhibits

B1 8-12-1956—Letter of gratitude sent by the General Manager, Southern Railway, Madras to the 1st respondent.

B2—Poster requesting to vote for Sri R. Krishnaswami Reddhar for General Seat and Perianan to Reserve Seat in Perambalur Assembly Constituency.

B3—Poster requesting to vote for Sri T. K. Subbiah for T. Palur Assembly Constituency.

B4—Poster requesting to vote for Sri Lazar Udayar for Lalgudi Assembly Constituency.

B5—Printed notice issued by 1st respondent requesting to vote for him in Perambalur Parliamentary Constituency and to respective Congress candidates in the Assembly Constituencies within Perambalur Parliamentary Constituency.

B6—Printed notice issued by Dalmia Cement Workers Union, Dalmiapuram requesting to vote for 1st respondent in the Perambalur Parliamentary Constituency.

B7—9-3-1957—Account of election expenses of 1st respondent

B8 14-8-1956—Judgment in C.C. 1317/56 on the file of the Sub-Magistrate, Perambalur.

B9—Register of form No. 22 final result sheet of election to the House of the People from the Perambalur Constituency.

B10—Marked copy of Electoral Roll of Poolambadi Polling Station No. 11, Parliamentary Constituency No. 208, component Assembly Constituency No. 92.

B11—Marked copy of Electoral Roll of Poolambadi Polling Station No. 12, Parliamentary Constituency No. 208, component Assembly Constituency No. 92.

B12—Marked copy of Electoral Roll of Poolambadi Polling Station No. 13, Parliamentary Constituency No. 208, component Assembly Constituency No. 92.

B13—Marked copy of Electoral Roll of Poolambadi Polling Station No. 14, Parliamentary Constituency No. 208, component Assembly Constituency No. 92.

B14—Marked copy of Electoral Roll of Poolambadi Polling Station No. 15, Parliamentary Constituency No. 208, component Assembly Constituency No. 92.

B15—Marked copy of Electoral Roll of Vangalam Polling Station No. 29, Parliamentary Constituency No. 208 component Assembly Constituency No. 92.

B16—Marked copy of Electoral Roll of Vangalam Polling Station No. 29, Parliamentary Constituency No. 208 component Assembly Constituency No. 92.

B17—Marked copy of Electoral Roll of Vembavur Polling Station No. 31, Parliamentary Constituency No. 208 component Assembly Constituency No. 92.

B18—Marked copy of Electoral Roll of Vembavur Polling Station No. 32, Parliamentary Constituency No. 208 component Assembly Constituency No. 92.

B19—Marked copy of Electoral Roll of Neikuppai Polling Station No. 37, Parliamentary Constituency No. 208 component Assembly Constituency No. 92.

B20—Marked copy of Electoral Roll of Neikuppai Polling Station No. 38, Parliamentary Constituency No. 208 component Assembly Constituency No. 92.

B21—Marked copy of Electoral Roll of Kurumbalur Panchayat Polling Station No. 74 of Parliamentary Constituency No. 208 (Component Assembly Constituency No. 92).

B22—Marked copy of Electoral Roll of Kurumbalur Panchayat Polling Station No. 75 of Parliamentary Constituency No. 208 (Component Assembly Constituency No. 92).

B23—Marked copy of Electoral Roll of Kurumbalur Panchayat Polling Station No. 76 of Parliamentary Constituency No. 208 (Component Assembly Constituency No. 92).

B24—Marked copy of Electoral Roll of Kurumbalur Panchayat Polling Station No. 77 of Parliamentary Constituency No. 208 (Component Assembly Constituency No. 92).

B25—Marked copy of Electoral Roll of Velur Polling Station No. 114 of Parliamentary Constituency No. 208 (Component Assembly Constituency No. 92).

B26—Marked copy of Electoral Roll of Naranamangalam Polling Station No. 184 of Parliamentary Constituency No. 208 (Component Assembly Constituency No. 92).

B27—Marked copy of Electoral Roll of Naranamangalam Polling Station No. 185 of Parliamentary Constituency No. 208 (Component Assembly Constituency No. 92).

B28—Marked copy of Electoral Roll of Vasishtapuram Polling Station No. 14(M) of Parliamentary Constituency No. 208 (Component Assembly Constituency No. 91).

B29—Marked copy of Electoral Roll of Kilaperambalur Polling Station No. 31 of Parliamentary Constituency No. 208 (Component Assembly Constituency No. 91).

Petitioner's Witnesses

1. Sri M. Ganapathi Reddiar.
2. Sri Kolandaivelu Udayar.
3. Sri Velayuda Udayar.
4. Sri Duraiswami Naidu.
5. Sri A. Mahomed Ibrahim Sahib.
6. Sri Venkalam Chinnaaswami Pillai.
7. Sri Poomalai Konar.
8. Sri Muthunallu Naidu.
9. Sri Chinnaaswami Udayar.
10. Sri Duraiswami Naidu.
11. Sri Vaithilinga Goundar.
12. Sri Nalluswami Padayachi.
13. Sri Adimoola Moopanar.
14. Sri Pachamuthu Udayar.
15. Sri Ramaswami Moopanar.
16. Sri Appavu Udayar.
17. Sri Chinnaaswami Kadanthiar.
18. Sri Kandaswami Moopanar.
19. Sri Nallamuthu Padayachi.
20. Sri Seetharama Padayachi.
21. Sri Rathna Mudaliar.
22. Sri Arunachala Goundar.
23. Sri Ramalingachi Reddiar.
24. Sri Ramaswami Naidu.
25. Sri Rajagopala Reddiar.
26. Sri Ramaswami Goundar.
27. Sri Thirumalai Goundar.
28. Sri Devanatha Reddiar.
29. Sri Manikkam alias Krishnaswami Reddiar.
30. Sri Ponnuswami Reddiar.
31. Sri Srinivasa Reddiar.
32. Sri Sundararaja Mudaliar.
33. Sri Brahmalingam Pillai.
34. Sri Nataraja Reddiar.
35. Sri Annamalai Reddiar.
36. Sri Muthuvenkatachala Reddiar.
37. Sri Palanimuthu.
38. Sri Sanjeevi Padayachi.
39. Sri Subbla Moopanar.
40. Sri Chandraprakasam.

41. Sri Karuppiah Udayar.
42. Sri Subbu Naidu.
43. Sri Punyamurthi Pillai.
44. Sri Balakrishna Reddhar.
45. Sri Rangaswami Naidu.
46. Sri Rathna Padayachi.
47. Sri Murugesu Padayachi.
48. Sri Govindaswami Padayachi.
49. Sri Gundu Rao.
50. Sri Sadayappan.
51. Sri K. Rajachidambara Reddhar--(Petitioner).

Respondent's Witnesses

1. Sri M. Palaniyandi (1st respondent).
2. Sri Rama Reddhar.
3. Sri Ramaswami Konar.
4. Sri Krishnaswami Reddhar.
5. Sri Chinnaswami Naidu.
6. Sri K. Maruthamuthu.
7. Sri A. Raju Mooppanar.
8. Sri Ramalinga Padayachi.
9. Sri Kannuswami Mooppanar.
10. Sri Rathnam Pillai.
11. Sri Krishnaswami Konar.
12. Sri Ganesan.
13. Sri Alamuthu Goundar.
14. Sri Subramania Servai.
15. Sri Muthuswami Pillai.
16. Sri Ganapathi.
17. Sri Rengaswami Reddhar.

Member, Election Tribunal.

[No. 82/185/57.]

By Order,

DIN DAYAL, Under Secy.

